

**BEFORE THE IDAHO STATE LICENSING BOARD OF PROFESSIONAL  
COUNSELORS AND MARRIAGE & FAMILY THERAPISTS**

In the Matter of the License of:	)	
	)	Case No. COU-2009-13
SONIA B. TAYLOR	)	
License No. LPC-633,	)	<b>STIPULATION AND</b>
	)	<b>CONSENT ORDER</b>
Respondent.	)	
_____	)	

WHEREAS, information has been received by the Idaho State Board of Professional Counselors and Marriage & Family Therapists (the "Board") constituting sufficient grounds for the initiation of an administrative action against Sonia B. Taylor ("Respondent");

WHEREAS, a formal Complaint was filed on May 29, 2009, in this matter initiating an administrative action (the "Action") pursuant to title 67, chapter 52, Idaho Code, in which the hearing is set for August 17, 2009;

WHEREAS, the parties now mutually agree to settle the Action in an expeditious manner in lieu of an administrative hearing before the Board; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that the Action shall be settled and resolved upon the following terms:

**A. Stipulated Facts and Law**

A.1. The Board regulates the practice of professional counseling and marriage and family therapy in the State of Idaho in accordance with title 54, chapter 34, Idaho Code.

A.2. The Board has issued License No. LPC-633 to Respondent. On March 26, 2009, Respondent was granted inactive license status pursuant to Board Rule 360. Respondent's continued licensure is subject to the provisions of title 54, chapter 34, Idaho Code and the Board's rules at IDAPA 24.15.01, *et seq.*

A.3. Pursuant to Idaho Code § 54-3415, the Board has adopted a rule requiring continuing education as a condition of continued licensure. Board Rule 425 requires that each person holding an active Idaho license as a professional counselor, clinical professional counselor or a marriage and family therapist must annually complete twenty (20) contact hours of continuing education prior to license renewal, of which no less than three (3) contact hours for each renewal period must be in ethics.

A.4. On or about April 15, 2008, Respondent submitted her License Renewal Application for the 2008-09 renewal year. As part of her License Renewal Application, Respondent answered “yes” to the question: “Prior to the submission of this renewal application, have you completed a minimum of 20 hours of continuing education during the previous 12 months, including at least 3 hours in Ethics, or have carry over hours taken from the previous renewal year but not claimed for CE credit in that year?” Respondent also signed the following affidavit:

I hereby certify under penalty of perjury that my responses to each of the above and any that may be attached are true and correct. I further certify that I have read and will comply with the laws and rules governing any activity that may be authorized subsequent to this application.

A.5. The License Renewal Application notified Respondent that the Board would conduct random audits to ensure compliance with continuing education requirements.

A.6. On or about November 14, 2008, Respondent was notified that she had been selected for a continuing education audit and was requested to provide documentation of the completion of 20 hours continuing education, including 3 hours of ethics, for the period between April 15, 2007, and April 15, 2008.

A.7. In response to the continuing education audit, Respondent submitted to the Bureau of Occupational Licenses a Continuing Education Audit Verification & Certificate of Compliance and documentation of continuing education attendance.

However, the hours submitted by Respondent for the audit did not satisfy the continuing education requirements for the twelve (12) month period prior to license renewal.

A.8. Despite certifying by affidavit on her License Renewal Application on April 15, 2008, that she had met the Board's continuing education requirement, Respondent did not complete 20 hours continuing education, including 3 hours of ethics continuing education, for the 12 months prior to license renewal for the 2008-09 renewal year.

A.9. Respondent represents that she completed 52 hours of continuing education between June 9, 2008, and October 24, 2008, but this coursework was not taken until after the audited period ending on April 15, 2008. Respondent explains that she did not intend to violate Board Rule 425 because she mistakenly believed that she could obtain the continuing education hours over a five (5) year period rather than annually prior to license renewal as Board Rule 425 requires.

A.10. The allegations of Paragraphs A.1 through A.9, if proven, would violate the laws and rules governing the practice of professional counseling, specifically Idaho Code §§ 54-3407(1), 54-3407(5), 54-3415 and Board Rule 425 (IDAPA 24.15.01.425) (2006). Violations of these laws and rules constitute grounds for disciplinary action against Respondent's license to practice professional counseling in the State of Idaho.

### **B. Waiver of Procedural Rights**

I, Sonia B. Taylor, by affixing my signature hereto, acknowledge that:

B.1. I have read, understand and admit the allegations pending before the Board, as stated in Section A, Paragraphs A.1 through A.10. I further understand that these allegations constitute cause for disciplinary action upon my license to practice professional counseling in the State of Idaho.

B.2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to testify myself; the right to reconsideration of the Board's orders; the right to judicial

review of the Board's orders; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of professional counseling in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this Stipulation as a resolution of the pending allegations.

B.3. I understand that in signing this Stipulation I am enabling the Board to impose disciplinary action upon my license without further process.

### **C. Stipulated Discipline**

C.1. Respondent shall pay to the Board an administrative fine in the amount of Two Hundred Fifty and No/100 Dollars (\$250.00) within thirty (30) days of the entry of the Board's Order.

C.2. Respondent shall pay investigative/hearing costs and attorney fees in the amount of Six Hundred Nineteen and No/100 Dollars (\$619.00) within sixty (60) days of the entry of the Board's Order.

C.3. At the time of renewing her license in 2010, whether on active or inactive status, Respondent shall submit documentation verifying completion of the deficiency of twenty (20) continuing education hours, including three (3) hours in ethics, for Respondent's license renewal in 2008.

C.4. At such time as Respondent applies to reactivate her license, Respondent shall comply with all Board Rules applicable to reactivation.

C.5. All costs associated with compliance with the terms of this Stipulation are the sole responsibility of Respondent.

C.6. The violation of any of the terms of this Stipulation by Respondent may warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

### **D. Presentation of Stipulation to Board**

D.1. The Board's prosecutor shall present this Stipulation to the Board with a recommendation for approval.

D.2. The Board may accept, modify with Respondent's approval, or reject this Stipulation. If the Board rejects the Stipulation, the Action shall proceed. Respondent waives any right Respondent may have to challenge the Board's impartiality to hear the allegations in the formal Complaint in the Action based on the fact that the Board has considered and rejected this Stipulation. Respondent does not waive any other rights regarding challenges to Board members.

D.3. If the Board rejects this Stipulation then, except for Respondent's waiver set forth in Paragraph D.2., this Stipulation shall be regarded as null and void, and admissions in this Stipulation and negotiations preceding the signing of this Stipulation will not be admissible in the Action or at any subsequent disciplinary hearing.

D.4. Except for Paragraph D.2. which becomes effective when Respondent signs this Stipulation, this Stipulation shall not become effective until it has been approved by a majority of the Board and a Board member signs the attached Order.

#### **E. Violation of Stipulation and Consent Order**

E.1. If Respondent violates this Stipulation and Consent Order, the violation shall be considered grounds for additional discipline and the Board may impose additional discipline pursuant to the following procedure:

a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Board to assess whether Respondent has violated this Stipulation and Consent Order. The Chief shall also serve notice of the hearing and charges to Respondent and to Respondent's attorney, if any. Within fourteen (14) days after the notice of the hearing and charges is served, Respondent may submit a response to the allegations. If Respondent does not submit a timely response to the Board, the alleged violations will be deemed admitted.

b. At the hearing, the Board and Respondent may submit evidence and present oral argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited

to evidence relevant to whether Respondent has violated this Stipulation and Consent Order. At the hearing the facts and substantive matters related to the violations described in Section A shall not be at issue.

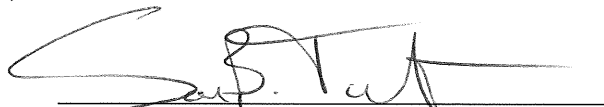
c. At the hearing, the Board may impose additional discipline, which may include the suspension or revocation of Respondent's license, the imposition of fines, the recovery of costs and attorney fees incurred by the Board and/or other conditions or limitations upon Respondent's practice.

E.2. This Stipulation and Consent Order is the resolution of a contested case and is a public record.

E.3. This Stipulation contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above Stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I am waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this Stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this Stipulation according to the aforementioned terms, and I hereby agree to the above Stipulation for settlement. I understand that if the Board approves this Stipulation subject to changes, and the changes are acceptable to me, the Stipulation will take effect and an order modifying the terms of the Stipulation will be issued. If the changes are unacceptable to me or the Board rejects this Stipulation, it will be of no effect.


DATED this 7 day of August, 2009.

  
\_\_\_\_\_  
Sonia B. Taylor  
Respondent

I recommend that the Board enter an Order based upon this Stipulation.

DATED this 7th day of August, 2009.


STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

By   
Emily A. Mac Master  
Deputy Attorney General

### ORDER

Pursuant to Idaho Code § 54-3404, the foregoing is adopted as the decision of the Board of Professional Counselors and Marriage & Family Therapists in this matter and shall be effective on the 6th day of October, 2009. **IT IS SO ORDERED.**

IDAHO STATE BOARD  
OF PROFESSIONAL COUNSELORS AND  
MARRIAGE & FAMILY THERAPISTS

By   
~~Nina J. Woods, Chair~~  
Roberta Crockett,  
Vice-Chair

## CERTIFICATE OF SERVICE


I HEREBY CERTIFY that on this 6<sup>th</sup> day of October, 2009, I caused to be served a true and correct copy of the foregoing by the following method to:

Sonia B. Taylor  
10533 W. Windrose  
Boise, ID 83703

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☐ Statehouse Mail

Emily A. Mac Master  
Deputy Attorney General  
P.O. Box 83720  
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☒ Statehouse Mail

  
Tana Cory, Chief  
Bureau of Occupational Licenses